IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20591 of 2004

Between:

Y.Linga Reddy, S/o.Bhaskar Reddy,
APSRTC, Nalgonda Bus Depot, Nalgonda Dist.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Nalgonda Bus Depot, Nalgonda.
2 The Regional Manager, APSRTC., Nalgonda Region at Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent No.1 in postponing one annual increment for a period of one year with cumulative effect without conducting a regular enquiry as bad, arbitrary, illegal, unjust, unreasonable and against the judgments of this Hon'ble court and apex court and consequently set aside the final order No.02/62(30)/93-NLG dated 14-10-1993 and consequential order of the R2 dated 22-12-1997..

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage, made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 20591 of 2004

ORDER:

Petitioner is working as a Conductor in the respondent-Corporation. He was issued a charge memo on 12-08-2003. After receiving the charge memo, petitioner submitted his detailed explanation and after receiving the explanation of the petitioner, the final orders were passed on 14-10-1993 imposing the penalty of reduction of one incremental stage for a period of two years with cumulative effect. The petitioner questioned the order on the ground that though there is reduction of two increments with cumulative effect, which is a major penalty, the respondents passed the impugned order without conducting any enquiry as required under the rules. Therefore, the order is illegal and it is liable to be set aside.

2. The learned Counsel for the petitioner relied on a judgment of the Supreme Court in **Kulwant Singh Gill v. State of Punjab**[1] wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without any enquiry. The petitioner

therefore seeks to declare that the order is illegal and it is liable to be set aside.

3. The petitioner after receiving the adverse orders, slept over the matter for a period of 11 years. There are latches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside, on account of long lapse of time and in view of the judgment of the Supreme Court in **Kulwant Singh** Gill (1 supra), I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of two increments without cumulative effect, the petitioner is not entitled for the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the date of this order. But, he is entitled to get increments on notional calculation from the date of this order to which he is entitled, as he had not been imposed penalty of reduction of two increments without cumulative effect.

4. The Writ Petition is accordingly disposed of with the above o observations.

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November 9, 2004

KVR

To

1 The Depot Manager, APSRTC, Nalgonda Bus Depot, Nalgonda.

2 The Regional Manager, APSRTC., Nalgonda Region at Nalgonda.

3 2 CD copies